

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DARIUS SMITH,

Plaintiff,

v.

GENERAL MOTORS,

Defendant.

Case No.: 4:20-cv-562-MTS

**PLAINTIFFS RESPONSE TO DEFENDANTS
MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Darius Smith (“Plaintiff”) by and through counsel and hereby responds to General Motors (“Defendant”) Motion for Summary Judgment as follows:

Plaintiff respectfully responds to Defendant’s Motion for Summary Judgment (“Motion”) in this civil action, illustrating that several material facts remain at issue and judgment as a matter of law is improper. Plaintiff moves the court to deny Defendant’s Motion for Summary Judgment with regard to all matters.

In support of this response, Plaintiff intends to show that:

- Plaintiff’s claims are not barred by the 180-day limitation period established by the MHRA for discrimination charges.
- Plaintiff’s claims are not barred by the limitation that requires a lawsuit to be filed no later than two years after the alleged discriminatory conduct.
- Plaintiff’s allegations are sufficiently severe and pervasive to rise to the level of actionable conduct under the MHRA and Plaintiff has suffered adverse employment action.
- Plaintiff has sufficiently alleged conduct that constitutes prohibited retaliation under the MHRA.

In support of Plaintiff's response to Defendant's Motion for Summary Judgment, Plaintiff files the attached Statement of Uncontroverted Material Facts that is incorporated by reference as if fully set forth herein.

In support of Plaintiff's response to Defendant's Motion for Summary Judgment, Plaintiff files the attached Memorandum in Support of its Motion for Summary Judgment ("**Memorandum**") that is incorporated by reference as if fully set forth herein.

WHEREFORE, Plaintiff respectfully requests that this Court deny the Motion for Summary Judgment, casting all costs upon the Defendant including attorney's fees, and that the Court enter an Order pursuant to Rule 74.04 with an express determination that legal cause exists for this case to proceed as numerous issues of material fact remain to be resolved by the trier of fact in this matter.

This 1st day of August 2022

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing document has been filed on August 1, 2022, via e-file.

_____/s/ Aryka Moore____